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MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail No.: EV 314103414 US
Attorney's Docket No.: 2003080-0138 (SK-744-CON8)
Date Filed: October 28, 2003

UTILITY PATENT APPLICATION TRANSMITTAL
(FOR NEW NONPROVISIONAL APPLICATIONS UNDER 37 C.F.R. § 1.53(B))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

22151 U.S. PTO
10/695582

102803

Inventor(s):

| Given Name (first and middle) | Family Name or Surname | Residence (City and State or Foreign Country) |
|-------------------------------|------------------------|---|
| Samuel J. | Danishefsky | Englewood, NJ |
| Peter | Bertinato | Old Lyme, CT |
| Dai-Shi | Su | New York, NY |
| Dongfang | Meng | New York, NY |
| Ting-Chao | Chou | Paramus, NJ |
| Ted | Kamenecka | New York, NY |
| Erik J. | Sorensen | San Diego, CA |
| Aaron | Balog | New York, NY |
| Kenneth A. | Savin | New York, NY |

Title of the Invention: **Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof**

A) APPLICATION ELEMENTS:

- 1) **Fee Transmittal Form** (original and duplicate submitted for fee processing)
- 2) **Applicant Claims Small Entity Status** (see 37 CFR 1.27)
 - a) _____ Statement Verifying Small Entity Status (optional)

3) **Specification**

TOTAL PAGES: 91

(87 pp. description; 3 pp. claims; 1 pg. abstract)

- Descriptive Title of the Invention
- Cross References to Related Applications (if applicable)
- Statement Regarding Federally Sponsored R & D (if applicable)
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Summary of the Invention
- Description of the Drawing (if filed)
- Detailed Description of the Invention
- Claim(s)
- Abstract of the Invention

4) **Drawing(s)** (35 U.S.C. § 113)

TOTAL SHEETS: 59

a) Formal Drawings (if checked)

TOTAL SHEETS: 76

5) **Oath or Declaration**

TOTAL PAGES: 10

a) Newly Executed (original or copy)

b) Copy from a prior application (37 C.F.R. § 1.63(d))-for
continuation/divisional application

i) Deletion of inventor(s): Signed Statement deleting inventor(s) named
in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

c) Unexecuted

6) **Application Data Sheet**. See 37 C.F.R. § 1.76.

7) **CD-ROM or CD-R in duplicate, large table or Computer Program
(Appendix)**

8) **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are necessary)

- a) Computer Readable Form (CRF)
- b) Specification Sequence Listing on:
 - i) CD-ROM or CD-R (2 copies); or
 - ii) Paper
- c) Statements verifying identity of above copies

B) **ACCOMPANYING APPLICATION PARTS:**

- 9) **Assignment Papers** (cover sheet & document(s))
- 10) **37 C.F.R. § 3.73(b) Statement** (when there is an assignee)
- 11) **Power of Attorney**
- 12) **English Translation Document** (if applicable)
- 13) **Information Disclosure Statement (IDS (5 pages)/PTO-1449 (21 pages))**
- 14) **Copies of IDS Citations**
- 15) **Preliminary Amendment (9 pages)**
- 16) **Return Receipt Postcard (MPEP 503)** (specifically itemized)
- 17) **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 18) **OTHER:** (if applicable, specified below)

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

continuation divisional continuation-in-part (CIP)

of prior application no.: 09/874,574
filed: June 5, 2003

FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY: The entire disclosure of the prior application, from which an oath or declaration is supplied as detailed above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

D.) PRIORITY CLAIM(S):

This application claims the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT international application(s) designating the United States of America listed below:

| <u>Application Serial No.</u> | <u>Filing date</u> | <u>Status (patented, pending, abandoned)</u> |
|-------------------------------|--------------------|--|
| 08/986,025 | December 3, 1997 | Patented |
| 09/691,615 | October 18, 2000 | Patented |
| 09/808,451 | March 31, 2001 | Pending |
| 09/874,514 | June 5, 2001 | Pending |
| 10/004,571 | December 4, 2001 | Pending |
| 10/058,695 | January 28, 2002 | Pending |
| 10/374,805 | February 25, 2003 | Pending |
| 10/431,467 | May 7, 2003 | Pending |

This application claims the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| <u>Application Serial No.</u> | <u>Filing date</u> | <u>Status (pending, expired, abandoned)</u> |
|-------------------------------|--------------------|---|
| 60/032,282 | December 3, 1996 | Expired |
| 60/033,767 | January 14, 1997 | Expired |
| 60/047,566 | May 22, 1997 | Expired |
| 60/047,941 | May 29, 1997 | Expired |
| 60/055,533 | August 13, 1997 | Expired |

Express Mail No.: EL8829892854US

Attorney Docket: 2003080-0138

Date Filed: May 7, 2003

E) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

Applicant claims small entity status 37 C.F.R. § 1.27.

A check is enclosed to cover the filing fees.

The commissioner is hereby authorized to charge filing fees or to credit any overpayment to deposit account number 03-1721.

Basic Filing Fee (Large Entity) \$ 770.00

Additional Fees:

| | |
|--|------------------|
| Total Number of Claims in excess of 20: (22– 20) x \$18 | \$ 36.00 |
| Number of Independent Claims in excess of 3: (4– 3) x \$86 | \$ 84.00 |
| Multiple Dependent Claims (\$290): | <u>\$ 290.00</u> |
| Total Filing Fee: | \$1,180.00 |

F) CORRESPONDENCE ADDRESS:

Customer Number: **24280**

Correspondence Address:

Patent Department
C. Hunter Baker, M.D., Ph.D.
Choate, Hall & Stewart
53 State Street
Exchange Place
Boston, MA 02109
phone: (617) 248-5000
fax: (617) 248-4000

Respectfully Submitted,


C. Hunter Baker, M.D., Ph.D.
Reg. No.: 46,533

CHOATE, HALL & STEWART
53 State Street
Exchange Place
Boston, MA 02110

| Certificate of Mailing | |
|--|----------------|
| I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 | |
| October 28, 2003 | Signature |
| Date | Linda M. Amato |
| Typed or Printed Name of person signing certificate | |

Express Mail No.: EV 314103414 US
Attorney Docket: 2003080-0138
Date Filed: October 28, 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
\$1,180.00

Complete if Known

| | |
|----------------------|----------------------------|
| Application Number | Unassigned |
| Filing Date | October 28, 2003 |
| First Named Inventor | Samuel J. Danishefsky |
| Examiner Name | T. Solola |
| Art Unit | 1626 |
| Attorney Docket No. | 2003080-0135 (SK-744-CON8) |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

03-1721

Choate, Hall & Stewart

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------------|---------------|------------------------|------------------|
| Fee Code (\$) | Fee Code (\$) | | |
| 1001 770 | 2001 385 | Utility filing fee | 770. |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | (\$) 770. |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|-------------|
| Total Claims | 22 | -20** = 2 | x 18. = 36. |
| Independent Claims | 4 | -3** = 1 | x 84. = 84. |
| Multiple Dependent | | | 290. = 290. |

| Large Entity | Small Entity | Fee Description |
|---------------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) | |
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | (\$) 410. |

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$)**

SUBMITTED BY

(Complete if applicable)

| | | | | | |
|-------------------|------------------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | C. Hunter Baker, M.D., Ph.D. | Registration No. (Attorney/Agent) | 46,533 | Telephone | 617-248-5215 |
| Signature | C. Hunter Baker, M.D., Ph.D. | | | Date | 10/28/03 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.